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**DOCKET NO. D-2012-016 CP-1**

**DELAWARE RIVER BASIN COMMISSION**

**Covanta Plymouth Renewable Energy, LP  
Energy Generating Facility & Subsidiary Water Allocation  
Conshohocken Borough, Montgomery County, Pennsylvania**

**PROCEEDINGS**

This docket is issued in response to an Application submitted by Covanta Plymouth Renewable Energy, LP (Covanta or docket holder) to the Delaware River Basin Commission (DRBC or Commission) on November 23, 2010, for inclusion of the existing Montgomery County Resource Recovery Facility (MCRRF) into the Comprehensive Plan and approval of the subsidiary water allocation provided by Aqua Pennsylvania (Aqua PA) to the Covanta Facility (Application).

The Application was reviewed for inclusion of the project in the Comprehensive Plan and approval under Section 3.8 of the *Delaware River Basin Compact*. The Montgomery County Planning Commission has been notified of pending action. A public hearing on this project was held by the DRBC on September 12, 2012.

**A. DESCRIPTION**

**1. Purpose.** The purpose of this docket is to incorporate the Covanta MCRRF, which derives energy from waste, into the Comprehensive Plan and approve the subsidiary water allocation of up to 22.73 million gallons per month (mgm) provided by Aqua PA. The water is used for industrial processes, fire suppression and primarily industrial cooling purposes associated with power generation.

**2. Location.** The MCRRF is located in Conshohocken Borough, Montgomery County, Pennsylvania as follows:

<b>FACILITY</b>	<b>LATITUDE (N)</b>	<b>LONGITUDE (W)</b>
Covanta	40° 05' 37.49"	75° 19' 4.24"

3. **Area Served.** The energy produced by Covanta at the MCRRF is currently sold to Exelon and used on the Pennsylvania – Jersey – Maryland (PJM) Grid. The PJM Interconnect covers all or most of Delaware, District of Columbia, Maryland, New Jersey, Ohio, Pennsylvania, Virginia and West Virginia. It also serves parts of Indiana, Illinois, Kentucky, Michigan, North Carolina and Tennessee.

For the purpose of defining Area Served, the Application is incorporated herein by reference consistent with conditions contained in the DECISION Section of this docket.

4. **Physical features.**

a. **Design criteria.** The docket holder shall continue to operate two (2) 608 ton per day Steinmuller GmbH reciprocating grate and water wall furnaces, a 32-megawatt (mw) capacity turbine-generator, along with ancillary equipment. The docket holder will continue to obtain its water from Aqua PA via an existing pipeline for potable and non-potable use. The average monthly industrial processes and industrial cooling water demands from Aqua PA are 0.559 million gallons per day (mgd), for the MCRRF. The docket holder projects no future increase in demand. Approximately 100% of the water supplied and used by the docket holder is estimated to be consumptively used.

b. **Facilities.** The existing MCRRF consists of a tipping hall, two (2) identical furnaces and boilers, cooling tower, reverse osmosis (RO) system, chemical storage, residue handling building and electrical substation. Each combustor unit has air pollution control equipment to scrub acid gases out of the flue gas and capture flue gas particulates. Advanced control systems constantly monitor combustion performance, energy output and emissions at MCRRF.

The service connection between MCRRF and Aqua PA is metered.

The MCRRF is not located within the 100-year floodplain.

Storage facilities consist of one 0.300 million gallon storage tank, which is approximately 0.125 days' supply.

c. **Other.** Approximately 100% of the water used at the facility is consumed. The small portion that is not consumed is discharged to the East Norriton-Plymouth Joint Authority Wastewater Treatment Plant. The treatment facility in which the wastewater is conveyed was most recently approved by DRBC Docket No. D-1972-080 CP-1 on July 26, 1972. The Pennsylvania Department of Environmental Protection (PADEP) issued its most recent NPDES Permit No. PA0026816 on September 1, 2011 for this treatment facility. The treatment facility has adequate capacity to receive wastewater from this project.

d. **Cost.** There are no project costs associated with this approval.

e. **Relationship to the Comprehensive Plan.** The MCRRF shall be included in the Comprehensive Plan as part of this docket.

## **B. FINDINGS**

The purpose of this docket is to incorporate the Covanta MCRRF, which derives energy from waste, into the Comprehensive Plan and to approve the subsidiary water allocation of up to 22.73 mgm provided by Aqua PA to the Covanta MCRRF. This docket approves the continuance for the docket holder to use a total of 22.73 mgm for cooling purposes associated with power generation. Covanta MCRRF receives water from Aqua PA's Upper Merion reservoir and their Pickering Creek surface water plant. A couple of groundwater wells provide some supply into the system, but water is primarily received from surface water sources.

The docket holder estimates that the project withdrawals, used for the purpose of cooling associated with power generation, result in a consumptive use of nearly one hundred percent (100%) of the total water use. The DRBC definition of consumptive use is defined in Article 5.5.1.D of the *Administrative Manual – Part III – Basin Regulations – Water Supply Charges* (WSC). As such surface water fees shall be paid in accordance with the Commission's WSC.

Section 2.3.5.1 C. of the Commission's Water Code requires industrial and commercial water withdrawals in excess of one million gallons per day to develop a contingency plan including emergency conservation measures to be instituted in the event of a Commission declared drought or other water shortage. Resolution No. 83-14 amended the Commission's Water Code (Section 2.1.4) to include the conservation goal of a 15 percent reduction in depletive use during drought conditions. Hereafter referred to as drought management and contingency plans (DMCPs), DMCPs must contain the following: source of water supply; the average daily and monthly peak water withdrawal; average daily and peak monthly consumptive use (difference between quantity withdrawn and quantity returned to the ground or surface waters of the basin); description of recycling and conservation measures; point of discharge (where water is returned or discharged); types of products produced; normal employment levels (numbers); and estimated employment (numbers) and economic impact for curtailment of water usage for the following levels of curtailment: 10%; 25%; 35%; 50% and 100%. The DMCP shall be submitted to the Commission within 6 months of the docket approval date. The Executive Director shall review the DMCP and either require modifications or provide approval in writing if the DMCP is found to be in accordance with the Commission requirements. The docket holder shall implement the DMCP upon direction by the Executive Director (See DECISION Condition II.m.).

The docket holder will supply the facility with water entirely from Aqua PA during drought conditions.

The project does not conflict with the Comprehensive Plan and is designed to prevent substantial adverse impact on the water resources related environment, while sustaining the current and future water uses and development of the water resources of the Basin.

The project is designed to conform to the requirements of the *Water Code and Water Quality Regulations* of the DRBC.

### C. DECISION

I. Effective on the approval date for Docket No. D-2012-016 CP-1 below, the project and the appurtenant facilities described in the Section A “Physical Features” shall be added to the Comprehensive Plan.

II. The project and appurtenant facilities as described in Section A “Physical Features” are approved pursuant to Section 3.8 of the *Compact*, subject to the following conditions:

a. The docket holder shall register with and report to the PADEP all surface and ground water sources described in this docket in accordance with the Pennsylvania Regulations (Title 25 - Environmental Protection, [25 PA. CODE CH. 110], Water Resources Planning).

b. The facility and operational records shall be available at all times for inspection by the DRBC.

c. The facility shall be operated at all times to comply with the requirements of the *Water Code* and *Water Quality Regulations* of the DRBC.

d. During any month, the docket holder is permitted to receive up to 22.73 million gallons of water from Aqua PA for use at MCRRF.

e. The docket holder shall pay for surface water use in accordance with the provisions of Resolution No. 74-6, as amended.

f. The docket holder shall implement to the satisfaction of the PADEP, the continuous program to encourage water conservation in all types of use within the facilities served by this approval. The docket holder will report to the PADEP on the actions taken pursuant to this program and the impact of those actions as requested by the PADEP.

g. The docket holder shall implement to the satisfaction of the PADEP, a drought or other water supply emergency plan.

h. Nothing herein shall be construed to exempt the docket holder from obtaining all necessary permits and/or approvals from other State, Federal or local government agencies having jurisdiction over this project.

i. The docket holder is permitted to provide the water approved in this docket to the areas included in Section A.3. Area Served of this docket. Any expansion beyond those included in Section A.3. Area Served is subject to DRBC review and approval in accordance with Section 3.8 of the *Compact*.

j. Unless an extension is requested and approved by the Commission in advance, in accordance with paragraph 11 of the Commission’s Project Review Fee schedule (Resolution No. 2009-2), the docket holder is responsible for timely submittal of a docket

renewal application on the appropriate DRBC application form at least 12 months in advance of the docket expiration date set forth below. The docket holder will be subject to late charges in the event of untimely submittal of its renewal application, whether or not DRBC issues a reminder notice in advance of the deadline or the docket holder receives such notice. In the event that a timely and complete application for renewal has been submitted and the DRBC is unable, through no fault of the docket holder, to reissue the docket before the expiration date below (or the later date established by an extension that has been timely requested and approved), the terms and conditions of the current docket will remain fully effective and enforceable against the docket holder pending the grant or denial of the application for docket approval.

k. The issuance of this docket approval shall not create any private or proprietary rights in the water of the Basin, and the Commission reserves the rights to amend, alter or rescind any actions taken hereunder in order to insure the proper control, use and management of the water resources of the Basin.

l. The Executive Director may modify or suspend this approval or any condition thereof, or require mitigating measures pending additional review, if in the Executive Director's judgment such modification or suspension is required to protect the water resources of the Basin.

m. The docket holder shall prepare and submit a DMCP to the Commission within 6 months of docket approval. The Executive Director shall review the DMCP and either require modifications or provide approval in writing if the DMCP is found to be in accordance with the Commission requirements. The docket holder shall implement the DMCP upon direction by the Executive Director.

n. For the duration of any drought emergency declared by either Pennsylvania or the Commission, water service or use by the docket holder pursuant to this approval shall be subject to the prohibition of those non-essential uses specified by the Governor of Pennsylvania, the Pennsylvania Emergency Management Council, PADEP, or the Commonwealth Drought Coordinator to the extent that they may be applicable, and to any other emergency resolutions or orders adopted hereafter by the Commission. The docket holder shall revise its DMCP to reflect lower basin drought operation procedures. The revised DMCP shall be submitted to the Executive Director for review and approval within 6 months of approval of this docket. The docket holder shall implement the latest approved DMCP upon direction by the Commission.

o. Any person who objects to a docket decision by the Commission may request a hearing in accordance with Article 6 of the Rules of Practice and Procedure. In accordance with Section 15.1(p) of the Delaware River Basin Compact, cases and controversies arising under the Compact are reviewable in the United States district courts.

**BY THE COMMISSION**

**APPROVAL DATE:**

**EXPIRATION DATE:      September 12, 2022**

**DRAFT**